

I am using the comments of DigitalConsumer.org as the body of my message but I wish to point out that, canned comments or no, these points are well taken. The business of the United States is not business. Business has it important place but business activity is not the sole measure of value in this country. Scientific progress and technical innovation thrive in environments where information flows easily while affording the originator returns for their efforts. The United States has, historically, struck an effective balance between these two ends. Current trends upset that effective balance and are likely to restrict and inhibit the engine of US prosperity. Secondly, business is not the country. We the people are. That phrase is at the top of the Preamble of our Constitution for a reason. We are not here to provide income to business. Business is here to meet our needs and wants for a fair fee. Current efforts by content providers over reach by a great distance,!

an appropriate balance of their legitimate interests by placing their desires and ambitions above those of the vast majority of the population of the country.

Secondly, as to the issues involved in the Broadcast Flag, I firmly agree with the comments authored by the DigitalConsumer organization that are included below. I do not buy a CD or DVD to have any arbitrary piece of plastic. Rather, I buy those that have particular content I want to watch or listen to. It is the content that I acquire. I do not want to buy multiple copies of the same content in order to listen to it in more than one place. Similarly, I do not want to be forced to purchase, over and over again, the same content in order to view it more than once. The market firmly rejected that notion in its response to DVIX. Listen to the market. That is what free markets are about, after all. I do not want to be forced to watch commercials. My time is valuable to me. Forcing me to waste that time violates my sovereignty as a free citizen of this country. As a side note, if the content industry insists on wasting my time as a condition of access, I'll stop buying!

their products and will listen and watch that which I currently own. My sense of current consumer trends is that the general consumer agrees. Unhappily, while I am content merely to stop purchasing new material under conditions thta the content industries are trying to impose, not all consumers are. Many will force access without purchase. In either case, the content industries will lose income.

Given the foregoing, technical mechanisms such as the Broadcast Flag are a will-of-the-wisp that will not prevent ordinary human behavior and will increase the anger toward the content industries. The flag and related mechanisms will not prevent the market from seeking and developing goods and services that consumers want. It will just ensure that current content providers will not be the source of those innovations. Remember your basic economics, markets are driven by what people want to buy, not by what people want to provide.

As a consumer of digital content, I have a grave concern about the proposed Broadcast Flag. I enjoy the flexibility and control that technology gives me. I can be more than a passive recipient of content; I can modify, create and participate. Technology currently gives me more choices by allowing me to record a television program and watch it later; clip a small piece of TV and splice it into a home movie; send an email clip of my child's football game to a distant relative; or record a TV program onto a DVD and play it at my friend's apartment. The broadcast flag seems designed to remove this control and flexibility that I enjoy.

Historically, the law has allowed for those not affiliated with creating content to come up with new, unanticipated ways of using it. For example, Sony invented the modern VCR -- a movie studio did not. (Sony did not own a movie studio at

the time.) Diamond Multimedia invented the MP3 player -- a recording label did not. Unfortunately, the broadcast flag has the potential to put an end to that dynamic. Because the broadcast flag defines what uses are authorized and which are not, unanticipated uses of content which are not foreseeable today are by default unauthorized. If we allow the content industry to "lock in" the definition of what is and is not legitimate use, we curtail the ability for future innovation - unanticipated but legal uses that will benefit consumers.

I am a law-abiding consumer who believes that piracy should be prevented and prosecuted. However, if theoretical prevention comes at the cost of prohibiting me from making legal, personal use of my content, then the FCC should be working to protect all consumers rather than enable those who would restrict consumer rights. In the case of the broadcast flag, it seems that it will have little effect on piracy. With file-sharing networks, a TV program has only to be cracked once, and it will propagate rapidly across the Internet. So, while I may be required to purchase consumer electronic devices that cost more and allow me to do less, piracy will not be diminished.

In closing, I urge you to require the content industry to demonstrate that its proposed technologies will allow for all legal uses and will actually achieve the stated goal of preventing piracy. If they cannot, I urge you not to mandate the broadcast flag.